



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule makingAgency: **Department of Labor and Industries**

- ☒ Preproposal Statement of Inquiry was filed as WSR 05-12-112; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information: Fire Brigades

Chapters 296-24, 296-78, 296-305 and 296-811 WAC

The department is proposing to rewrite and clarify requirements relating to fire brigades. The department is repealing the rule in chapter 296-24 WAC and proposing fire brigades as a new chapter. This rulemaking is part of our goal to rewrite all of WISHA's general occupational safety and health rules for clarity.

Hearing location(s):

Department of Labor and Industries
Room S118
7273 Linderson Way S.W.
Tumwater, Washington

Date: November 16, 2005 Time: 1:30 p.m.

Submit written comments to:

Name: Cindy Ireland, Project Manager
Address: Department of Labor and Industries
PO Box 44620
Olympia, WA 98507-4620
e-mail mooc235@lni.wa.gov
fax (360)902-5529 by November 23, 2005

Assistance for persons with disabilities: Contact

Kim Johnson by November 2, 2005 at

rhok235@lni.wa.gov

Date of intended adoption: December 20, 2005
(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of this rulemaking is to make this rule easy to read, understand and more usable for employers. This proposal will place fire brigade requirements from chapter 296-24, WAC into chapter 296-811 WAC, Fire Brigades. Also, references will be updated. There are no anticipated effects.
See Attachment (a).

Reasons supporting proposal: See Attachment (a).

Statutory authority for adoption: RCW 49.17.010, 49.17.040,
49.17.050, 49.17.060

Statute being implemented: Chapter 49.17 RCW**Is rule necessary because of a:**

Federal Law? ☐ Yes ☒ No
Federal Court Decision? ☐ Yes ☒ No
State Court Decision? ☐ Yes ☒ No
If yes, CITATION:

CODE REVISER USE ONLY**WSR #05-19-085****DATE**

September 20, 2005

NAME (type or print)

Gary K. Weeks

SIGNATURE**TITLE**

Director

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization)

Department of Labor and Industries

☐ Private

☐ Public

☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Tracy Spencer	Tumwater	(360) 902-5530
Implementation.....Steve Cant	Tumwater	(360) 902-5495
Enforcement.....Steve Cant	Tumwater	(360) 902-5495

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

According to RCW 19.85.030 (1)(a), a small business economic impact statement is required only when a rule will “impose more than a minor cost on businesses in an industry.” An analysis of the rule reveals that in addition to not imposing new costs on businesses, these revisions will make WISHA rules easier for employers and employees to understand and use, and thus save them time and resources. Therefore, no SBEIS is required.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain:

There are no costs to assess within these rule amendments. Additionally, the amendments will make the rules easier for employers and employees to understand and use, and thus save them time. (see RCW 34.05.328(5)(b)(iv))

CR 102 RULE-MAKING ORDER (RCW 34.05.320)

Department of Labor and Industries

WISHA Services Division

CR-102 Filing Date: September 20, 2005

Hearing Date: November 16, 2005

Attachment (a)

(Purpose Statement)

AMENDED SECTIONS:

WAC 296-78-71011, Egress and exit.

- Added a reference to the new fire brigade chapter.

WAC 296-79-040, Fire protection, ignition sources and means of egress.

- Update a reference.

WAC 296-305-01003, Scope and application.

- Update a reference.

NEW CHAPTER:

- **Chapter 296-811 WAC, Fire Brigades**

NEW SECTIONS:

WAC 296-811-100, Scope.

- Added language to this section relating to what this chapter covers.

WAC 296-811-200, Section contents.

- This section is a short table of contents of the sections located in this 3-digit WAC number.

WAC 296-811-20005, Organizing statement.

- This section requires that a written fire brigade statement is available for inspection by employees. Elements of this statement are located in this section.
- The requirements in this section are currently located in WAC 296-24-58507. No new requirements have been added.

WAC 296-811-20010, Physical capability of brigade members.

- This section requires that brigade members who are assigned to fight interior structural fires are physically capable of doing that activity.
- The requirements in this section are currently located in WAC 296-24-58507 and 296-24-58517. No new requirements have been added.

WAC 296-811-300, Section contents.

- This section is a short table of contents of the sections located in this 3-digit WAC number.

WAC 296-811-30005, Special hazards.

- This section requires written procedures to be developed relating to the special hazards of a fire brigade.
- The requirements in this section are currently located in WAC 296-24-58509. No new requirements have been added.

WAC 296-811-30010, Firefighting training.

- This section requires firefighting training.
- The requirements in this section are currently located in WAC 296-24-58509 and 296-24-58517. No new requirements have been added.

WAC 296-811-400, Section contents.

- This section is a short table of contents of the sections located in this 3-digit WAC number.

WAC 296-811-40005, Firefighting equipment.

- This section requires providing and maintaining firefighting equipment.
- The requirements in this section are currently located in WAC 296-24-58511. No new requirements have been added.

WAC 296-811-40010, Protective clothing.

- This section requires providing appropriate personnel protective equipment for fire brigade members.
- The requirements in this section are currently located in WAC 296-24-58513. No new requirements have been added.

WAC 296-811-40015, Self-contained breathing apparatuses (SCBAs).

- This section contains requirements relating to SCBAs.
- The requirements in this section are currently located in WAC 296-24-58515 and 296-24-58517. No new requirements have been added.

WAC 296-811-500, Section contents.

- This section is a short table of contents of the sections located in this 3-digit WAC number.

WAC 296-811-50005, Brigade members in interior structural fires.

- This section contains the requirements in an “Immediately Dangerous to Life or Health” (IDLH) and standby assistance situation.
- The requirements in this section are currently located in WAC 296-24-58516. No new requirements have been added.

WAC 296-811-600, Definitions.

- This section contains applicable definitions relating to fire brigades. They are:
Approved, buddy-breathing device, education, extinguisher classification, extinguisher rating, fire brigade, fire classifications, flammable, incipient fire stage, inspection, interior structural firefighting, maintenance, positive-pressure breathing apparatus, quick-disconnect valve, and training.

REPEALED SECTIONS:

WAC 296-24-58505, Fire Brigades.

- Requirements in this section were moved to chapter 296-811 WAC, Fire Brigades.

WAC 296-24-58507, Organization.

- Requirements in this section were moved to chapter 296-811 WAC, Fire Brigades.

WAC 296-24-58509, Training and education.

- Requirements in this section were moved to chapter 296-811 WAC, Fire Brigades.

WAC 296-24-58511, Fire fighting equipment.

- Requirements in this section were moved to chapter 296-811 WAC, Fire Brigades.

WAC 296-24-58513, Protective clothing.

- Requirements in this section were moved to chapter 296-811 WAC, Fire Brigades.

WAC 296-24-58515, Respiratory protection devices.

- Requirements in this section were moved to chapter 296-811 WAC, Fire Brigades.

WAC 296-24-58516, Procedures for interior structural fire fighting.

- Requirements in this section were moved to chapter 296-811 WAC, Fire Brigades.

WAC 296-24-58517, Appendix A – Fire Brigades.

- Requirements in this section were moved to chapter 296-811 WAC, Fire Brigades.